

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

EDWARD B. PANFORD,

Plaintiff,

VS.

OMAHA WORLD HERALD, INC.,

Defendant.

8:06CV368

ORDER

This matter is before the court on the motion filed by William L. Switzer, Jr. to withdraw as counsel for the plaintiff (Filing No. 5). The motion states that the plaintiff has retained new counsel and requested the movant to withdraw from this matter. However, no new counsel has made an appearance. The movant also seeks an extension of time for the plaintiff to proceed with the case and respond to the court's September 12, 2006 order to show cause. The certificate of service on the motion reflects it was served on the plaintiff. Accordingly,

IT IS ORDERED:

1. The motion filed by William L. Switzer, Jr. to withdraw as counsel for the plaintiff (Filing No. 5) is held in abeyance.
2. The plaintiff, Edward B. Panford, shall have to **on or before October 20, 2006**, to respond to the motion to withdraw by filing a brief with the Clerk of Court. If no response is received or if substitute counsel has entered an appearance by that date, the motion to withdraw will be granted. If the motion to withdraw is granted and substitute counsel has not entered an appearance, the plaintiff will be considered proceeding *pro se* and counsel for the defendant may communicate with the plaintiff directly.
3. The plaintiff shall have an extension **until October 31, 2006**, to show cause why this case should not be dismissed as against the defendant for failure to effect service, pursuant to Federal Rule of Civil Procedure 4(m) and this court's September 12, 2006 order.

4. The Clerk of Court shall mail a copy of this order and the September 12, 2006 order to the plaintiff at:

Edward B. Panford
4530 Jaynes Street
Omaha, NE 68105

Dated this 20th day of September, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge